



05-31-05

(EV616300450US)

IFW

Attorney Docket Nos.: 22120-DA1, DA2, RA1, RA2
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No.: 29/201,006

)

)

Filed: March 9, 2004

) Examiner: Kathryn Brooks

)

Title: Apparatus for Storing Electronics

) Art Unit: 2913

Application Serial No.: 29/201,067

)

)

Filed: March 9, 2004

) Examiner: Janice Seeger

)

Title: Conference Table

) Art Unit: 2913

Application Serial No.: 10/741,822

)

)

Filed: December 19, 2003

) Examiner: Janet Wilkins

)

Title: Apparatus and Method for Storing Electronics

) Art Unit: 3637

Application Serial No.: 10/741,820

)

)

Filed: December 19, 2003

) Examiner: Kimberly Wood

)

Title: Apparatus for Storing an Electronic Visual Display

) Art Unit: 3637

FORMAL SUPERVISORY INQUIRYCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450Myers & Kaplan,
Intellectual Property Law, L.L.C.
1899 Powers Ferry Road, Suite 310
Atlanta, GA 30339

May 26, 2005

Dear Supervisor of Art Unit 3637,

The following inquiry is common to each of the above-mentioned applications, but this copy is

specifically directed to the highlighted application above. This inquiry is respectfully intended to correct an ongoing matter that thusfar remains unresolved.

On July 20, 2004, a bill of sale with assignment of all intellectual property rights to the content of each of the foregoing applications was filed with the USPTO for recordation. Coincident therewith, a Statement Under 3.73b was executed and filed for each application. No response has been received to the Statement Under 3.73b filing from any office; however, notice of recordation was received January 31, 2005, wherein reel/frame 015579/0879 was referenced.

In October, 2004, a Notice of Revocation of Power of Attorney was received for each of the foregoing applications except design application 29/201,067. That is, a Notice of Revocation of Power of Attorney was received for applications 29/201,006, 10/741,822, and 10/741,820. The referenced revocation of power of attorney was filed by James Conerton, the inventor AND assignor, and was improperly accepted and processed despite the previously recorded assignment and statement under 3.73b.

Thereafter, on October 18, 2004, a formal response was filed to each notice of revocation, wherein the impropriety of the revocation was addressed and previously filed ownership documents were referenced and courtesy copies thereof provided. Again, no response has been received to this filing from any office.

In attempting to inquire as to status via PAIR, on February 17, 2005, it was discovered that Myers & Kaplan LLC could still not access the applications via our customer number 30184 and a

telephone call was placed to Group Art Unit 3637. Information was received from a Group Art Unit 3637 representative confirming that Myers & Kaplan LLC, under customer number 30184, was shown as agent of record. The representative was unable, however, to offer any explanation of why PAIR was inaccessible, but suggested possibly a temporary technical issue. The representative also provided the name of Kim Wood as one of the Examiners, wherein messages were left therewith.

On that same date, a telephone conversation occurred with Kim Wood, wherein she, also, was unable to offer any explanation regarding the status. Ms. Wood explained that although she was able to view the series of referenced documents in the file, she could find no ruling. Again, however, she was unable to take any steps to rectify the situation and suggested, instead, a call to Customer Service because she was unable to otherwise suggest a more particular individual.

On March 15, 2005, a formal status inquiry was prepared and filed for each of the applications. Once again, no response has ever been received to this filing from any office.

On April 11, 2005, a telephone call to Customer Service yielded information regarding the Examiner assigned to each application. Once again, confirmation of receipt of the Response to the Revocation of Power of Attorney was received, and once again there was no suggestion as to why Myers & Kaplan LLC remained unable to access the applications via PAIR. Also, again it was confirmed that Myers & Kaplan LLC as customer number 30184 was listed, but, new information was provided confirming that the record showed James Conerton as correspondence addressee.

A telephone conversation with Examiner Kathryn Brooks on the same date provided information

that an office action had been issued for 29/201,006 that was due to go abandoned on April 27, 2005, barring a response. Ms. Brooks advised that she was unable to provide us with copies of the office action because she did not show our correspondence address, but stated that following correction of same, the abandonment would be withdrawn and the office action reissued.

Also on the same date, April 11, 2005, formal change of correspondence documents were filed for each of the applications in an attempt to finally receive clarification. Once again, as with each of the previous filings, no response has been received for these filings.

On April 20, 2005, Examiner Janet Wilkins confirmed in a telephone conversation that application, 10/741,822, was being corrected to reflect the correspondence address and power of attorney for Myers & Kaplan. She explained that the original Statement Under 3.73b had been misfiled as an "Oath" by the support staff, and therefore was never properly handled. After inquiring of Examiner Wilkins regarding the other applications, she confirmed that she would also influence further action on application 10/741,820, but that she was unable to take action with reference to the design applications. Instead, she offered the name of Toy Johnson who would presumably be able to address the design applications. A telephone message was delivered to Toy Johnson on the same date, but no response has been received.

On May 12, 2005, a notice of abandonment was received for application 29/201,067 for failure of payment of issue fee. A telephone call was placed to Examiner Janice Seeger, wherein inquiry regarding each of our previously filed papers was again made. Ms. Seeger could follow the documents in the file, but could not offer an explanation as to why no corrective action had been undertaken in her

assigned application, nor did she have information regarding the others. She did confirm, however, that the reason that no formal Notice of Revocation of Power of Attorney was ever received for her application was because no revocation was filed, but instead, a change of correspondence only was filed. She was unclear as to how to resolve the problem, and suggested a call to her supervisor, Joel Sincavage, but also suggested waiting at least a few days because she would apprise him first.

On May 25, 2005, a telephone conversation with Examiner Kathryn Brooks addressed a pending notice of abandonment for her application 29/201,006. Prior to issuing the notice of abandonment, she wanted to follow-up regarding our previous telephone conversation. She confirmed that the file had been reviewed by her supervisor, Joel Sincavage, and also by USPTO legal staff, and the conclusion had been reached that the Statement under 3.73b was defective because neither box #1 nor box #2 were checked regarding the percentage of ownership. Based thereon, it was the USPTO position that Mr. Conerton's prosecution rights remained intact. An inquiry regarding the total lack of response to our repeated filings and inquiries, if only such a minor and easily correctable deficiency were to blame, was unable to be answered. There was no explanation as to why no notice of defectiveness was provided, why no response to our status inquiry was provided, and why no response to our correspondence change was provided. In discussing the matter further, and relating the information provided by Examiner Seeger stating that no revocation of power of attorney had ever been filed in her case, Examiner Brooks confirmed that a revocation of power of attorney had, indeed, been filed and that it was USPTO error that no notice was prepared and sent. Examiner Brooks agreed to revisit the entire matter before her Supervisor and to advise further.

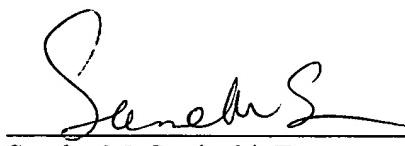
At present, then, the status of each of the applications remains unsettled. We have this date,

based upon the newly acquired information regarding the Statements under 3.73b, also filed new replacement Statements, again relying on the previously recorded bill of sale. We have referenced all of the applications in this one inquiry document, but have filed individual copies of same for each application, because it is our strongest hope that one central, supervisory individual can take the lead for investigating and re-entering Myers & Kaplan LLC as power of attorney and correspondence address, as should have remained properly recognized all along.

CONCLUSION

In anticipation of prompt communication, further clarification and resolution of these matters, we respectfully ask that, should there be any questions or concerns, or should there be any information that any Examiner or Supervisor require, each is invited to telephone Applicant's undersigned attorney.

Respectfully submitted, this 26th day of May, 2005.



Sandra M. Sovinski, Esq.
Reg. No. 45,781

Myers & Kaplan Intellectual Property Law, L.L.C.
1899 Powers Ferry Road, Suite 310
Atlanta, GA
(770) 541-7444; (770) 541-7448 facsimile
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CERTIFICATE OF EXPRESS MAILING

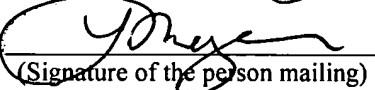
I hereby certify that this correspondence, along with any papers referred to therein as being attached or enclosed therewith, is being deposited with the United States Postal Service with sufficient postage as Express Mail, ~~No. EN6163004505~~, in an envelope addressed to the Commissioner for Patents,

P.O. Box 1450, Alexandria, VA, 22313-1450 on:

May 26, 2005

(Date)

Name of the person mailing the paper or fee



(Signature of the person mailing)

**COURTESY
COPY**

EV616300415US

Attorney Docket Nos.: 22120-RA2
PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No.: 10/741,820)
Filed: December 19, 2003) Examiner: Kimberly Wood
Title: Apparatus for Storing an Electronic Visual Display) Art Unit: 3637
)
)

REPLACEMENT STATEMENT UNDER 3.73b

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Myers & Kaplan,
Intellectual Property Law,L.L.C.
1899 Powers Ferry Road, Suite 310
Atlanta, GA 30339

May 26, 2005

Dear Examiner Wood,

Please find attached a replacement Statement under 3.73b for the above referenced application, along with a courtesy copy of the chain of title document. A Statement under 3.73b was previously filed on July 20, 2004 by the same owner, however, it has come to our attention that box #1 was not checked. Although the Assignment was recorded on July 20, 2004 at reel/frame 015579/0879, we have never received any response to our originally filed Statement under 3.73b. We are providing this replacement Statement for processing.

Also, I have included a courtesy copy of a Formal Supervisory Inquiry filed this date with the Supervisor of your art unit, and with the Supervisor for art unit 2913, wherein the four referenced applications, all having common ownership, have been the subject of unresolved inquiries.

Thank you for your assistance, and should you have any questions whatsoever, you are invited to telephone or email Applicant's undersigned attorney.

Respectfully submitted, this 26th day of May, 2005.



Sandra M. Sovinski, Esq.
Reg. No. 45,781

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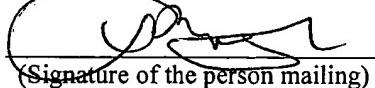
CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence, along with any papers referred to therein as being attached or enclosed therewith, is being deposited with the United States Postal Service with sufficient postage as Express Mail, No. EN61630041515, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450 on:

May 26, 2005

(Date)

L. Myers
Name of the person mailing the paper or fee



(Signature of the person mailing)

O I P E
MAY 26 2005

PTO/SB/96 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: JAMES CONERTON/EZAV, Inc.

Application No./Patent No.: 10/741,820 Filed/Issue Date: December 19, 2003

Entitled: APPARATUS FOR STORING AN ELECTRONIC VISUAL DISPLAY

Diversified Resource Group, Inc., a Corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. the assignee of the entire right, title, and interest; or
2. an assignee of less than the entire right, title and interest.
The extent (by percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

A An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

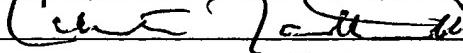
1. From: James Conerton/EZAV, Inc. To: Diversified Resource Group, Inc.
The document was recorded in the United States Patent and Trademark Office at Reel 015579, Frame 0879, or for which a copy thereof is attached.
2. From: To:
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: To:
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet.

Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (*i.e.*, a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.



Signature

5-26-05

Date

Chris Tattersall

678-282-0760

Printed or Typed Name

Telephone Number

Chief Executive Officer

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.